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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,612	05/31/2001	Scott J. Broussard	AUS920010270US1	1772
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DAFFER MCDANEIL LLP			CAO, DIEM K	
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AUSTIN, TX 78768			PAPER NUMBER	

2194

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,612

Applicant(s)

BROUSSARD, SCOTT J.

Examiner

Diem K. Cao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-17 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-6, 8-17 and 19-21 are pending. Applicant has amended claims 1-2, 8, 12, 19 and 21 and canceled claims 7, 18 and 22-24.

Allowable Subject Matter

2. Claims 9-10 and 20-21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim Objections

3. Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 11 recites the limitation that has the same meaning of a limitation in claim 1 which recites "generates an image upon the display, such that a look and feel of the image displayed using the first API is the same across diverse operating system".

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claims 1-6, 8-17 and 19-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites the limitations “execute code within the first API ... such that a look and feel of the image displayed using the first API is the same across diverse operating system” and “the functionality lacked by the first API comprises support for Unicode font encoding and font searching capability” which is not clearly defined in the specification. As set forth in the specification, the Swing API generates image which has the same look and feel independent of the operating system (page 10, lines 10-15), wherein the AWT API generates image that depends on the operating system (page 8, lines 1-20), therefore the first API is Swing API (and also indicated in the claim 6). However, the specification discloses only legacy AWT-based applications do not support for Unicode font encoding and font searching capability (page 8, line 28 – page 9, line 16 and page 43, lines 10-23). Furthermore, Liang (Rapid Java application development using JBUILDER 3) discloses Swing components support for Unicode font encoding and font searching capability (page 169, last paragraph). It seems the claim limitations are contradict with the prior art.

Claim 1 further recites “software components adapted for incorporate into the first API”, and “ a third API, resulting from the incorporation of the software components into the first API and configured for providing at least some of the functionality present in the second API and absent in the first API”, are not clearly support in the specification. Specification seems to

disclose the first API is the Swing API, and the second API is AWT Swing API (page 11, line 25 – page 12, line 4), the second API creates components that can intercept the requests from the user interface and route it to the proxy objects which also created by the second API (see Fig. 9 and associated text), the proxy objects which can either direct the requests to the components of the first API or having their own codes to replace the code in the respective Swing components to process the requests (page 32, second paragraph). The specification further discloses enhance feature set may be incorporated into the second API (page 42, second paragraph).

Claim 12 suffers the same problem as claim 1.

The application is examined as best understood by the examiner.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-6, 11-12, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (U.S. 6,128,011) in view of Forschungsbereich (Introducing Swing).

8. As to claim 1, Peng teaches a display (display device 105; Fig. 1), a processor (processor 101; fig. 1) coupled between the display and a first application program interface (graphical user interface; col. 5, lines 45-50 and its associated AWT API; Code Section A, col. 7-8) and adapted

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to execute code within the first API during runtime of an application program (col. 5, lines 47-5047-55), wherein execution of said code by the processor generates an images upon the display (provides a user-friendly interface; col. 5, lines), the first API lacks functionality provided by the second API (C dynamic libraries provide the FIR and IIR executeion cores used to process the data; col. 22, lines 45-60), software component adapted for incorporation into the second API ().

9. However, Peng does not teach a look and feel of the image displayed using the first API is the same across diverse operating system. Forschungsbereich teaches a look and feel of the image displayed using the Swing API is the same across diverse operating system (pages 1-2).

10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Peng and Forschungsbereich because it provides a method to design a program that it will execute without modification and will always look and feel on any computers.

11. As to claim 3, Peng does not explicitly teach the image contains representation of buttons, list boxes and slide bars on which a pointer device can be directed by a user. Forschungsbereich teaches the image contains representation of buttons, list boxes and slide bars on which a pointer device can be directed by a user (windowing components, visual components such as menus, tool bars, dialogs and the like; page 1, page 3, last paragraph).

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12. As to claim 4, Peng teaches the application program runs under a standard computer operating system, such as Windows, Unix or OS/2 (col. 5, lines 31-33).

13. As to claim 5, Peng teaches the application program is written in Java programming language (Java program code; col. 5, lines 45-64).

14. As to claim 6, Peng does not teach the first API comprises Java Swing.
Forschungsbereich teaches the first API comprises Java Swing (pages 1-2).

15. As to claim 11, Forschungsbereich teaches the image presents a consistent look and feel upon the display independent of the operating system under which the application program is running (pages 1-2).

16. As to claim 12, it corresponds the display system of claim 1 and is rejected under the same ground of rejection.

17. As to claims 14-17, see rejections of claims 3-6 above.

18. Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (U.S. 6,128,011) in view of Forschungsbereich (Introducing Swing) further in view of Fults (U.S. 5,327,529).

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19. As to claim 2, Peng does not teach the image generated comprises pixels presented upon the display via a graphical user interface associated with the application program. Fults teaches the images on the screen are composed of many individual pixels (col. 12, lines 50-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Peng and Fults to clearly show how the image is displayed which is also well-known in the art.

20. As to claim 13, see rejection of claim 2 above.

21. Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (U.S. 6,128,011) in view of Forschungsbereich (Introducing Swing) further in view of Stern (U.S. 6,161,107).

22. As to claim 8, Peng does not teach the functionality lacked by the first API further comprises the use of an advanced font rasterizer for the generation of high quality text. Stern teaches the user of advanced font rasterizer for the generation of high quality text (col. 4, lines 18-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Peng, Forschungsbereich and Stern because it would improve the system of Peng by using the digital raster format data and graphic image in high quality to store and display.

23. As to claim 19, see rejection of claim 8 above.

Response to Arguments

24. Applicant's arguments with respect to claims 1-6, 8-17 and 19-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K. Cao whose telephone number is (571) 272-3760. The examiner can normally be reached on Monday - Friday, 6:00AM - 1:30PM and Saturday, 6:00AM - 10:30AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist at 571-272-2100.

Due to the realignment of WG 2120, effective March 20, 2005, AU 2126 will become AU 2194.

Diem Cao



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